

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants,

Civil Action No. 1:25-cv-11221-WGY

**CERTIFICATION OF THE
ADMINISTRATIVE RECORDS**

1. I, Samuel D. Rauch, III, am employed by the National Marine Fisheries Service (“NMFS”) as the Deputy Assistant Administrator for Regulatory Programs at NMFS, an agency of the National Oceanic and Atmospheric Administration (NOAA) with the U.S. Department of Commerce (“DOC”). My office is located in Silver Spring, Maryland.

2. As part of my official duties, I provided oversight of NMFS’ efforts in compiling the administrative record for its implementation of Presidential Memorandum, *Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects* (90 Fed. Reg. 8363, Jan. 29, 2025) (“Wind Memo”).

3. I certify under penalty of perjury that the foregoing is true and correct.

4. I understand it is the position of the United States that NMFS’ temporary cessation of wind energy approvals and other authorizations pursuant to the directive in Section 2(a) of the President’s Wind Memorandum is not final agency action subject to challenge under the Administrative Procedure Act. This certification is provided without waiving any such argument.

5. Despite the United States' position, the Court has ordered the filing of an administrative record for NMFS' temporary cessation of wind energy approvals and other authorizations.

6. I hereby certify to the best of my knowledge, information, and belief that the document listed on the attached index constitutes a true, correct, and complete copy of NMFS' administrative record that the Court ordered be produced and that no other documents constituting evidence considered, either directly or indirectly, by NMFS exists.

Executed on: July 10, 2025

RAUCH.SAMUEL.DEA
N.1365850948

Digitally signed by
RAUCH.SAMUEL.DEAN.1365850948
Date: 2025.07.10 13:29:17 -04'00'

Samuel D. Rauch, III
Deputy Assistant Administrator for Regulatory Programs
National Marine Fisheries Service